

PROB 12B
(7/93)

United States District Court
for
District of New Jersey
Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Johnson, Ernest

Cr.: 03-00409-001
FACTS Number: 35294

Name of Sentencing Judicial Officer: The Honorable Stanley R. Chesler, U.S.D.J.

Date of Original Sentence: 04/26/06

Original Offense: Robbery

Original Sentence: 57 months imprisonment; 3 years supervised release; \$100 special assessment. Special conditions:
1) drug testing/treatment; 2) full financial disclosure; 3) mental health treatment; 4) no new debt; 5) DNA collection;
6) restitution in amount of \$100,000.

Type of Supervision: Supervised Release

Date Supervision Commenced: 11/10/09

PETITIONING THE COURT

☒ [X] To modify the conditions of supervision as follows.

The offender shall participate in the Location Monitoring Program. The offender shall be confined to his residence for a period of three months commencing at the direction of the U.S. Probation Office. The offender shall be required to be at his residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. The offender shall wear a Location Monitoring device and follow all location monitoring procedures. The offender shall permit the Probation Officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. The offender shall comply with any other specific conditions of home confinement as the Court may require. The offender shall pay all the costs associated with the Location Monitoring Device.

CAUSE

On April 6, 2010, the offender submitted a urine sample which yielded positive for marijuana and ecstasy.

Respectfully submitted,

By:  Jamel Dorsey, USPO

Date: 05/20/10

THE COURT ORDERS:

- ☒ [X] The Modification of Conditions as Noted Above
☐ [] No Action
☐ [] Other


Signature of Judicial Officer


Date

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

May 20, 2010

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Honorable Stanley R. Chesler
U.S. District Court Judge
Martin Luther King Jr. Federal Building & Courthouse
P.O. Box 0999
Newark, New Jersey 07102

RE: Johnson, Ernest
Docket Number: 03-00409-001
Notice of Non-compliance & Request For
Modification of Supervised Release Conditions

Dear Judge Chesler:

On April 26, 2006, Your Honor sentenced the offender to fifty-seven (57) months imprisonment followed by three years of supervised release after pleading guilty to robbery. The following special conditions were also ordered: drug testing/treatment, financial disclosure, no new debt, mental health treatment, and cooperation in the collection of DNA. A special assessment of \$100 was also ordered along with \$100,000 in restitution. On November 10, 2009, the offender was released from custody and commenced his term of supervision with the Eastern District of New York.

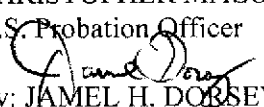
On April 6, 2010, the offender submitted a urine sample which yielded positive results for marijuana and ecstasy. The offender admitted to using both illicit drugs while attending a social gathering with friends. The offender is currently unemployed and actively participating in outpatient treatment as well as a random urine monitoring program.

Based on the above information, the Eastern District of New York is requesting a modification of the conditions of supervised release to include three (3) months of home confinement with electronic monitoring. The offender has already agreed to the modification and signed a waiver of hearing to modify conditions of supervised release (also attached).

We will make ourselves available should the Court wish to discuss this matter. Be assured that we will keep you abreast of any new developments in the case. If there are any issues or concerns, please feel free to contact the undersigned at (973) 645-4513.

Respectfully submitted,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer


By: JAMEL H. DORSEY
U.S. Probation Officer

PROB 49
(NYEP-10/28/05)

United States District Court

DISTRICT OF NEW JERSEY

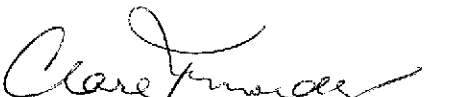
Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and the assistance of counsel before any unfavorable change(s) may be made in my conditions of Probation and/or Supervised Release or before my period of supervision can be extended. By assistance of counsel, " I understand that I have the right to be represented at a hearing by counsel of my choosing if I am able to retain counsel. I also understand that I have the right to request that the Court appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel. "

I hereby voluntarily waive my statutory right to a hearing and to the assistance of counsel. I also hereby agree to the following modification (s) of my conditions of Probation and/or Supervised Release or to the proposed extension of my term of supervision:

For a period of 90 (ninety) days, the defendant shall remain in his or her home of record. The defendant is only authorized to leave for employment or other necessary activities with the approval, in advance, of the Probation Department. The home confinement period shall commence on a date approved by the Probation Department. While serving the period of home confinement, the defendant shall wear an electronic monitoring bracelet or similar tracking device and follow all requirements and procedures established for Home Confinement by the Probation Department and the Administrative Office of U.S. Courts. In addition, the defendant shall pay the costs of home confinement, including the price of electronic monitoring equipment, to the degree he or she is reasonably able. The defendant shall disclose all financial information and documents to the Probation Department to assess his or her ability to pay.

Witness:


U.S. Probation Officer

Signed:


Probationer or Supervised Releasee

4-16-10

Date